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SUBJECT Appeal Brief (10/668,385)

Number of Pages 26

Date 10/2/2006

MESSAGE

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1. one copy of a Fax Transmittal Form;
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3. one copy of the Brief.

Volel

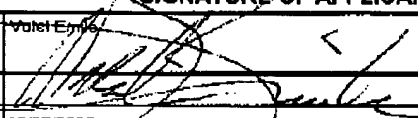
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PTO/SB/21 (02-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/888,385
	Filing Date	09/23/2003
	First Named Inventor	M. Kelly Lelande
	Art Unit	2025
	Examiner Name	Yelena Rossoshek
Total Number of Pages in This Submission	Attorney Docket Number	CA920020748US1

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to IC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm or Individual name: Volel Emile Signature:  Date: 10/02/2006		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:	
M. Kelly Lalonde	:	
Serial No: 10/668,385	:	Before the Examiner:
	:	Yelena Rossoshek
Filed: 09/23/2003	:	Group Art Unit: 2825
Title: SYSTEM AND METHOD	:	Confirmation No.: 2493
BASED ON AN OBJECT-ORIENTED	:	
SOFTWARE DESIGN FRAMEWORK	:	
FOR DISPLAYING CONSTRAINED	:	
GRAPHICAL LAYOUTS	:	

TRANSMITTAL OF APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached is Appellant's Brief from a decision of the Examiner dated 05/19/2006, finally rejecting Claims 1 - 4, 6 - 17, 19 - 29, 31 - 33, 35, 37, 40 - 44 and 49 - 53.

The item(s) marked below are appropriate:

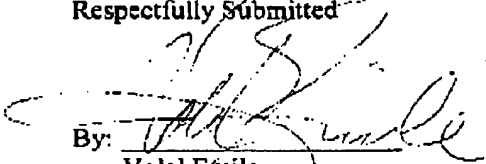
1. _____ A petition and fee for extension of term for reply to the final rejection is attached.
2. X Appeal fee
 X other than a small entity. Fee: \$500.00
3. X Payment
 X Please charge Deposit Account 09-0447 the sum of \$500.00. A duplicate of this notice is attached.

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 X The Commissioner is hereby authorized to charge any additional fee,
which may be required or credit any overpayment to Deposit Account No. 09-
0447.

Respectfully Submitted

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:
M. Kelly Lalonde	:
	: Before the Examiner:
Serial No: 10/668,385	: Yelena Rossoshek
	:
Filed: 09/23/2003	: Group Art Unit: 2825
	:
Title: SYSTEM AND METHOD	: Confirmation No.: 2493
BASED ON AN OBJECT-ORIENTED	:
SOFTWARE DESIGN FRAMEWORK	:
FOR DISPLAYING CONSTRAINED	:
GRAPHICAL LAYOUTS	:

APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

Assistant Commissioner of Patents
Washington, D. C. 20231

Sir:

This is an appeal to a final rejection dated May 19, 2006. This brief is submitted pursuant to a Notice of Appeal filed on August 03, 2006 in accordance with 37 C.F.R. 1.192.

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BRIEF FOR APPLICANTS - APPELLANTS

(i)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(ii)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(iii)

Status of Claims

Claims 1 – 53 were originally in the Application. Original Claims 1, 2, 6 - 9, 15, 19 - 21, 26, 27, 31 – 33, 37, 43, 44, and 49 - 51 were amended and Claims 5, 18, 30, 34, 36, 38, 39, 45 – 48 were canceled in the Response to the first Office Action. Thus, Claims 1 – 4, 6 – 17, 19 – 29, 31 – 33, 35, 37, 40 – 44 and 49 - 53 remained pending in the Application.

In the second Office Action, the pending claims were finally rejected under 35 USC §102(b). In addition, Claims 32, 37, 49 and 53 were objected to for some informalities, Claims 1 – 4 and 6 – 17 were rejected under 35 USC §§101 and 112, first paragraph and Claims 19 – 25 were rejected under 35 USC §112, second paragraph.

Claim 44 is being appealed.

(iv)

Status of Amendment

A Response to the Second/Final Action was not filed.

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(v)

Summary of Claimed Subject Matter

The invention, as claimed in Claim 44, provides a method of displaying a constrained graph constructed by a plurality of subgraphs that have each a predefined grouping of a plurality of graphical elements (see paragraphs 2 - 4, 18, 19 and item 22 of Fig. 1). In accordance with the invention, when an input for deleting at least one graphical element from or for adding at least one graphical element to a particular subgraph is received from a user (see paragraphs 22, 24, 27), it is determined whether to reposition one or more graphical elements from the predefined grouping of the graphical elements of the particular subgraph in response to the addition or deletion of the at least one graphical element (see paragraph 39 and items 62 and 64 of Fig. 3A) and the one or more graphical elements of the particular subgraph are repositioned if it is determined that the one or more graphical elements from the predefined grouping of the graphical elements are to be repositioned (see paragraphs 40 and 46 Fig. 3C). Then, it will be determined whether location of one or more subgraphs is affected by the repositioning of the one or more graphical elements of the particular subgraph; and the one or more affected subgraphs will be repositioned if one or more subgraphs are affected (see paragraphs 34, 48 - 53 and Fig. 3C)

(vi)

Grounds of Rejection to be Reviewed on Appeal

Whether it was proper to reject Claim 44 under 35 USC §102(b) as being anticipated by Nishikawa.

(vii)

Arguments

In considering a Section 102 rejection, all the elements of the claimed invention must be disclosed in a single item of prior art in the form literally
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defined in the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1558, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. Dupont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984). Russell-Falla et al., the reference used to reject the independent claims, does not disclose all the elements of the claims.

Nishikawa purports to teach a method of minimizing the length of a wire in a layout of a semiconductor integrated circuit (IC). According to Nishikawa, in designing an IC, constituent elements (i.e., semiconductor objects and wires) are laid out in an area. The layout area is then minimized through compaction. Specifically, the layout area, which in general is roughly designed by an IC designer, is compacted first in the x direction and then in the y direction.

However, the new distances between the objects have to satisfy a constraint graph expressing positional constraint relationship of objects for each compaction direction is used. The objects are made to correspond to vertices (nodes) of the constraint graph, and the limit proximity distance between two objects corresponding to two vertices connected by a branch is stored in the constraint graph.

Thus during compaction, an area minimization section moves the objects to one side along the compaction direction as close as possible with reference to the constraint graph. For example, in compacting the IC in the x direction, the objects are moved to the left side as close as possible to decrease the x-coordinate values of the vertices. When doing so, there generally will come a point where the area will stop changing (i.e., stop decreasing). At that point, the wire length minimization would occur. That is a wire length minimization section will move the objects to minimize the wire length with reference to the constraint graph.

A completion determining section determines whether the completion condition is satisfied. If the completion condition is satisfied, processing is ended. If the completion condition is not satisfied, processing is transferred back
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to the compaction direction setting section, and the compaction processing is repeatedly performed while changing the compaction direction.

During compaction, the objects may be moved one at a time or in groups for optimum performance. The problem is, according to Nishikawa, how to identify the objects that make up a group. Nishikawa, accordingly, provides a solution to the problem.

However, Nishikawa does not teach, show or suggest the step of **receiving from a user an identifier of an input for deleting at least one graphical element from or adding at least one graphical element to a particular subgraph in said graph.** As mentioned above, the disclosure of Nishikawa is directed to a method of minimizing the length of a wire in a layout of an IC and therefore would not have any reason to teach the above-reproduced limitations.

Further, Nishikawa does not teach the step of **determining whether to reposition one or more graphical elements from the predefined grouping of the graphical elements of the particular subgraph in response to the addition or deletion of the at least one graphical element from said identifier a selected subgraph to be shifted.** Note that Nishikawa would not have any reason to show those limitations since Nishikawa does not teach the step of deleting or adding graphical element to subgraph.

Consequently, Applicants request passage to issue of Claim 44 in the Application.

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(viii)

Claims Appendix

1. (Previously amended) A software system for constrained graphs comprising:

software code for implementing a graph, said graph being constructed using a plurality of subgraphs having each a pre-defined grouping of a plurality of graphical elements;

software code for repositioning elements of a subgraph; and

software code for repositioning other subgraphs when the other subgraphs are affected by the repositioning of the elements of the subgraph.

2. (Previously amended) The software system of claim 0 further comprising software code for displaying the graphical elements of each subgraph in a specified layout format.
3. (Original) The software system of claim 0, wherein said specified layout format comprises a layout selected from the following group: a horizontal layout and a vertical layout.
4. (Original) The software system of claim 2, wherein said specified layout comprises a directional layout.
5. Canceled.

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6. (Previously amended) The software system of claim 4, wherein the affected subgraphs are repositioned by repositioning their graphical elements.

7. (Previously amended) The software system of claim 0, further comprising:

a layout manager for:

initiating the repositioning and display of the graphical elements of a plurality of subgraphs in said graph by commanding the repositioning and display of the graphical elements of a selected subgraph in said graph.

8. (Previously amended) The software system of claim 0 wherein said layout manager further:

identifies a plurality of subgraphs in said graph;

receives an identifier of an input subgraph in said graph;

determines from said identifier a selected subgraph to be shifted;
and

commands said selected subgraph to reposition and display the graphical elements.

9. (Previously amended) The software system of claim 0 further comprising:

a first layout manager class which when extended defines one or more second layout manager classes; and

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wherein said first layout manager comprises an instance of a second layout manager class.

10. (Original) The software system of claim 0, wherein the selected subgraph determined from said identifier comprises said input subgraph.
11. (Original) The software system of claim 9, wherein said instance of a second layout manager class is created when one or more graphical elements are added to or deleted from said graph.
12. (Original) The software system of claim 0, further comprising a module for obtaining input from a user, wherein a request to add or delete graphical elements from said graph is generated from said input.
13. (Original) The software system of claim 0, wherein data associated with subgraphs identified by an instance of said second layout manager class is stored in a map, and wherein said map is used by instances of said second subgraph classes in determining affected subgraphs.
14. (Original) The software system of claim 13, wherein said map comprises a hash map.
15. (Previously amended) The software system of claim 1, wherein said repositioning of the graphical elements of said subgraph requires that said graphical elements be shifted either horizontally or vertically in said graph.
16. (Original) The software system of claim 2, wherein said specified layout comprises a directional layout.

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17. (Original) The software system of claim 0, wherein a subgraph comprises a further subgraph.

18. Canceled.

19. (Previously amended) A software system for use in the design of software applications in which a constrained graph is displayed, the system implemented in accordance with an object-oriented design framework, wherein said graph is constructed using a plurality of graphical elements, the system comprising:

a first subgraph class, wherein said first subgraph class is extended to define a plurality of second subgraph classes, wherein an instance of each of said second subgraph classes represents a subgraph of a specific subgraph type, wherein each subgraph of a specific subgraph type is composed of a predefined grouping of said graphical elements, and wherein each of said plurality of second subgraph classes implements one or more first methods for:

repositioning the graphical elements of a subgraph represented by an instance thereof within said graph and determining affected subgraphs,

displaying the graphical elements of a subgraph represented by an instance thereof to a user in a specified layout format, and

commanding a repositioning and display of the affected subgraphs.

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20. (Previously amended) The software system of claim 0, further comprising a first layout manager class, wherein said first layout manager class is extended to define one or more second layout manager classes, wherein an instance of each of said second layout manager classes represents a layout manager, wherein each of said second layout manager classes implements one or more second methods for:

identifying a plurality of subgraphs in said graph,

receiving an identifier of an input subgraph in said graph,

determining from said identifier a selected subgraph to be shifted, and

commanding a repositioning and display of the graphical elements of said selected subgraph by calling the one or more first methods implemented by the second subgraph class of which said selected subgraph is an instance;

such that when an instance of a second layout manager class is created, said one or more second methods are executed, whereby the layout manager represented by said instance identifies a plurality of subgraphs in said graph and initiates the repositioning and display of the graphical elements of a plurality of subgraphs in said graph by commanding the repositioning and display of the graphical elements of a selected subgraph in said graph.

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21. (Previously amended) The system as claimed in claim 0, wherein the affected subgraphs are repositioned by repositioning their graphical elements.
22. (Original) The system as claimed in claim 0, wherein the selected subgraph determined from said identifier is said input subgraph.
23. (Original) The system as claimed in claim 0, wherein said instance of a second layout manager class is created when one or more graphical elements are added to or deleted from said graph.
24. (Original) The system as claimed in claim 0, further comprising a module for obtaining input from a user, wherein a request to add or delete graphical elements from said graph is generated from said input.
25. (Original) The system as claimed in claim 0, wherein data associated with subgraphs identified by an instance of said second layout manager class is stored in a map, and wherein said map is used by instances of said second subgraph classes in determining affected subgraphs.
26. (Previously amended) A computer readable media storing data and instructions, said data and instructions when executed by a computing device enable said computing device to:

Implement a graph, the graph including a plurality of subgraphs having each a predefined grouping of a plurality of graphical elements;

reposition the graphical elements of a subgraph within said graph; and

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Initiate a repositioning of subgraphs affected by said repositioning of the graphical elements of the subgraph.

27. (Previously amended) The computer readable media of claim 0, wherein each of said plurality of subgraph subgraphs is in a specified layout format.
28. (Original) The computer readable media of claim 26, wherein said specified layout format comprises a layout selected from the following group: a horizontal layout and a vertical layout.
29. (Original) The computer readable media of claim 26, wherein said specified layout comprises a directional layout.
30. Canceled.
31. (Previously amended) The computer readable media of claim 26, wherein the affected subgraphs are repositioned by repositioning their graphical elements.
32. (Previously amended) The computer readable media of claim 0, wherein the executed data and instructions further enable said computer device to:

organize a layout manager, the layout manager for initiating the repositioning and display of the graphical elements of a plurality of subgraphs in said graph by commanding the repositioning and display of the graphical elements of a selected subgraph in said graph.

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33. (Previously amended) The computer readable media of claim 32 wherein said layout manager further:

identifies a plurality of subgraphs in said graph;

receives an identifier of an input subgraph in said graph;

determines from said identifier a selected subgraph to be shifted; and

commands said selected subgraph to reposition and display the graphical elements.

34. Canceled.

35. (Original) The computer readable media of claim 0, wherein the selected subgraph determined from said identifier comprises said input subgraph.

36. Canceled.

37. (Previously amended) The computer readable media of claim 0, wherein the executed data and instructions further enable said computer device to organize a module for obtaining input from a user, wherein a request to add or delete graphical elements from said graph is generated from said input.

38. Canceled.

39. Canceled.

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40. (Original) The computer readable media of claim 0, wherein said repositioning of the graphical elements of said specific subgraph requires that said graphical elements be shifted either horizontally or vertically in said graph.
41. (Original) The computer readable media of claim 0, wherein said specified layout comprises a directional layout.
42. (Original) The computer readable media claim 0, wherein a subgraph comprises a further subgraph.
43. (Previously amended) A layout manager defined by a layout manager interface, said layout manager interface provided by a software system for use in the design of software applications in which a constrained graph is displayed to a user, the layout manager comprising:

a first layout manager class, wherein said first layout manager class is extended to define one or more second layout manager classes, wherein an instance of each of said one or more second layout manager classes represents a layout manager, wherein each of said one or more second layout manager classes implements a method for:

identifying a plurality of subgraphs in said graph,

receiving an identifier of an input subgraph in said graph,

determining from said identifier a selected subgraph to be shifted,

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commanding a repositioning and display of the graphical elements of said selected subgraph by calling the method implemented by the second subgraph class of which said selected subgraph is an instance,

determining other subgraphs affected by the repositioning of the graphical elements of said selected subgraph, and

commanding a repositioning and display of the affected subgraphs.

44. (Previously amended) A method of displaying a constrained graph, said constrained graph being constructed by a plurality of subgraphs having each a predefined grouping of a plurality of graphical elements, said method comprising:

receiving from a user an input for deleting at least one graphical element from or adding at least one graphical element to a particular subgraph;

determining whether to reposition one or more graphical elements from the predefined grouping of the graphical elements of the particular subgraph in response to the addition or deletion of the at least one graphical element;

repositioning the one or more graphical elements of the particular subgraph if it is determined that the one or more graphical elements from the predefined grouping of the graphical elements are to be repositioned;

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determining whether location of one or more subgraphs is affected by the repositioning of the one or more graphical elements of the particular subgraph; and

repositioning, if one or more subgraphs are affected, the one or more affected subgraphs.

45. Canceled.

46. Canceled.

47. Canceled.

48. Canceled.

49. (Previously amended) A method of displaying a constrained graph, said graph comprising a plurality of graphical elements and a plurality of subgraphs, wherein each of said plurality of subgraphs comprises a grouping of said graphical elements, said method comprising:

determining from an identifier of an input subgraph in said graph, a selected subgraph to be repositioned; and

repositioning the selected subgraph.

50. (Previously amended) A method of displaying a constrained graph, said graph comprising a plurality of graphical elements and a plurality of subgraphs, wherein each of said plurality of subgraphs comprises a grouping of said graphical elements, said method comprising:

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repositioning the graphical elements of a subgraph within said graph; and

initiate a repositioning of subgraphs affected by said repositioning of the graphical elements of said subgraph.

51. (Previously amended) The method of claim 50, wherein each of said plurality of subgraphs displays the graphical elements of a subgraph in a specified layout format.

52. (Original) The method of claim 50, further comprising:

initiating the repositioning and display of the graphical elements of a plurality of subgraphs in said graph by commanding the repositioning and display of the graphical elements of a selected subgraph in said graph.

53. (Original) The method of claim 0 further comprising:

identifying a plurality of subgraphs in said graph;

receiving an identifier of an input subgraph in said graph;

determining from said identifier a selected subgraph to be shifted; and

commanding said selected subgraph to reposition and display the graphical elements.

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Monday, October 02, 2006 3:07 PM

Volel Emile, Esq. 512 306 0240

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Evidence Appendix

No evidence was submitted pursuant to 37 C.F.R. §§ 1.130, 1.131 and 1.132 nor was there any evidence entered by the Examiner relied upon by Appellants in this appeal.

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Related Proceedings Appendix

There are no decisions rendered by a court or the Board that would have a bearing on the Board's decision in the pending appeal.

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